

06R-14

Introduce: 1-23-06

RESOLUTION NO. A-_____

1 WHEREAS, Big Red Storage has submitted an application for a permit to use the
2 public right-of-way in Custer Street between North 70th Street and Cotner Blvd. for the
3 installation of three 3/4" underground conduits for wiring a remote gate to an office; and

4 WHEREAS, said applicant has submitted a letter of application with a site plan
5 which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part
6 of this resolution by reference, to use the public right-of-way as detailed in Exhibit B; and

7 WHEREAS, said applicant has complied with all of the provisions of Chapter
8 14.53 of the Lincoln Municipal Code pertaining to such use.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
10 Lincoln, Nebraska:

11 That the aforesaid application of Big Red Storage, hereinafter referred to as
12 "Permittee," to use the public right-of-way related to in Custer Street between North 70th Street
13 and Cotner Blvd. as shown on Exhibit "B" for the purpose of installing three 3/4" underground
14 conduits be granted as a privilege only by virtue of and subject to strict compliance with the site
15 plans, the letter of application, and the following terms and conditions, to wit:

16 1. That the permission herein granted is subject to all the terms and
17 conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions relating to
18 the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of
19 insurance evidencing a commercial or comprehensive general liability policy, or an acceptable
20 substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one
21 occurrence and naming the City as additional insured.

22 2. The work shall be constructed in accordance with plans and
23 specifications approved by the Department of Public Works and Utilities. The facilities, where
24 they are underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to

1 the surface of the ground. All land surfaces and all pavement shall be restored to their original
2 condition after the work is completed on each segment of the project. "As built" drawings shall
3 be furnished to the City by the Permittee to show the precise locations, depths, and nature of all
4 materials installed in accordance with the permit. The City shall have the right at any time
5 when, in its judgment, it becomes necessary or advisable to require a change of location of said
6 facilities as a matter of safety, or on account of change of grade, resurfacing, repair,
7 reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any
8 structure thereon, or for any other reason, all of which shall be done at the cost and expense of
9 the Permittee in a good and workmanlike manner.

10 3. The Permittee shall pay to the City an annual rental for the use and
11 occupancy of the space beneath said public street occupied by such use which rental is
12 currently \$1.50 per lineal foot of space occupied underneath the public street, alley, sidewalk, or
13 other public ground. Such rental is based upon the number of conduits (three conduits at \$.50)
14 being placed within the right-of-way.

15 Said rental payments shall be made to the City Treasurer and shall be
16 due and payable on the 1st day of October of each year; provided however, the amount of the
17 initial payment required hereunder shall be pro-rated from the date when the permit is issued to
18 the 1st day of October of the next year and payments shall be due and payable on October 1st
19 thereafter. Rent shall become delinquent on the 1st day of December of each year and such
20 delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent
21 is not paid for six months or more after such delinquent date, a penalty of five percent shall be
22 added thereto in addition to said interest.

23 4. The use of the public way herein granted and the terms and conditions of
24 this resolution shall be binding and obligatory upon the above-named Permittee, its successors
25 and assigns.

1 5. That said use shall conform to the application, the site plan filed
2 therewith, and with all applicable City ordinances and regulations.

3 6. The Permittee, its successors or assigns shall save and keep the City
4 free and harmless from any and all loss or damages or claims for damages arising from or out
5 of the use of the public way requested herein.

6 7. That all work done under the authority of this resolution shall be subject to
7 the inspection and approval of the Director of Public Works of the City of Lincoln.

8 8. The terms and conditions of this resolution shall be binding and obligatory
9 upon the above-named Permittee, its successors and assigns.

10 9. That within thirty (30) days from the adoption of this resolution, and before
11 commencing any construction under the provisions hereof, the Permittee shall file an
12 unqualified written acceptance of all the terms and conditions of this resolution with the City
13 Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities
14 hereunder granted shall terminate.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor